

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

IN RE:

Rolonda Monique Osborne,

DEBTOR.

CHAPTER 13

CASE NO. 19-49526-PJS

JUDGE PHILLIP J. SHEFFERLY

TRUSTEE'S OBJECTIONS TO CONFIRMATION OF CHAPTER 13 PLAN

NOW COMES the Chapter 13 Standing Trustee, David Wm. Ruskin, and objects to confirmation of the Chapter 13 Plan in the above matter pursuant to L.B.R. 3015-3(a) (E.D.M.) as follows:

1. Based upon the debtor's testimony at the First Meeting of Creditors, debtor's 2012 Buick Lacrosse motor vehicle is not insured. Debtor's failure to maintain insurance places the estate at substantial risk of loss should the property be damaged or destroyed or should third parties suffer personal injury or property damage arising out of the property. Further, debtor's failure to maintain insurance constitutes a violation of the provisions of debtor's own Chapter 13 Plan. Accordingly, debtor's Plan fails to comply with 11 U.S.C. Section 1325(a)(1).

2. The debtor has failed to provide proof of the debtor's recent paystubs prior to the First Meeting of Creditors as required by 11 U.S.C. Section 521. The Trustee therefore requests that the debtor produce proof of the debtor's recent paystubs no later than 14 days prior to the scheduled Confirmation Hearing in order for the Trustee to determine whether the debtor's Plan complies with 11 U.S.C. Section 1325(b), 11 U.S.C. Section 1325(a)(3) and 11 U.S.C. Section 1325(a)(6).

3. The Plan fails to provide that 100% of profit sharing funds and/or bonuses received or entitled to be received by the debtor since commencement of the debtor's case be remitted to the Trustee for distribution among creditors as required by 11 U.S.C. Section 1325(b) and *In re Freeman*, 86 F.3d 478 (6th Cir., 1996).

4. Based upon the debtor's testimony at the First Meeting of Creditors, the debtor moved to Michigan from Illinois in June 2016. As the debtor's Statement of Financial Affairs incorrectly states the debtor moved to Michigan in January 2017, the Trustee requests the debtor make the appropriate amendments to correct this error so that the debtor's Plan complies with 11 U.S.C. Section 1325.

5. Based upon the debtor's testimony at the First Meeting of Creditors, the debtor received proceeds from a class action lawsuit in 2019 in the amount of \$6,300.00. The Trustee requests the debtor provide a detailed accounting of the disposition of these proceeds and further amend the Statement of Financial Affairs to the extent the debtor made payments to creditors and or insiders so the Trustee can determine if the debtor's Plan complies with 11 U.S.C. Section 1325.

6. Based upon a review of the debtor's paystubs, the debtor's Statement of Current Monthly Income and Calculation of Commitment Period and Disposable Income Form incorrectly calculates the debtor's current monthly income. Accordingly, the Trustee requests the debtor file an amended Statement of Current Monthly Income and Calculation of Commitment Period and Disposable Income Form and further provide for a 60 month Plan term so that the debtor's Plan complies with 11 U.S.C. Section 1325(b)(3) and 11 U.S.C. Section 1325(a)(3).

WHEREFORE, the Chapter 13 Standing Trustee requests this Honorable Court deny confirmation of the debtor's Chapter 13 Plan unless modified to meet these objections.

OFFICE OF DAVID WM. RUSKIN, STANDING
CHAPTER 13 TRUSTEE

Dated: August 23, 2019

By: /s/ Lisa K. Mullen
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**CERTIFICATE OF SERVICE OF TRUSTEE'S OBJECTIONS TO
CONFIRMATION OF CHAPTER 13 PLAN**

I hereby certify that on August 23, 2019, I electronically filed the Trustee's Objections to Confirmation of Chapter 13 Plan with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

The following parties were served electronically:

MORAN LAW
25600 WOODWARD AVE
SUITE 201
ROYAL OAK, MI 48067-0000

The following parties were served via First Class Mail at the addresses below by depositing same in a United States Postal Box with the lawful amount of postage affixed thereto:

Rolonda Monique Osborne
17133 Higdon Dr.
Brownstown, MI 48193-0000

/s/ Vanessa Wild
Vanessa Wild
For the Office of David Wm. Ruskin
Chapter 13 Standing Trustee - Detroit
1100 Travelers Tower
26555 Evergreen Road
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